IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 27690 of 2006(U)

PETITIONERS:
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1. M.V. VARGHESE, S/O.VARKEY,
AGED 55 YEARS, MUREECKAL HOUSE,
THALAKODE P.O., MULAMTHURUTHI,
ERNAKULAM.

2. SARAMMA ABRAHAM, AGED 75 YEARS,
W/O.LATE ULAHANNAN ABRAHAM,
MUREECKAL HOUSE, KUZHIYARA P.O.,
CHOTTANIKARA (VIA), ERNAKULAM.

3. M.M. VARGHESE, S/O.LATE VARKEY MATHAI
AGED 65 YEARS, MUREECKAL HOUSE,
THALAKODE P.O., ERNAKULAM.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. RESURVEY SUPERINTENDENT
(SURVEY AND BOUNDARY), CIVIL STATION,
KAKKANAD, ERNAKULAM.

2. TAHSILDAR, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.

3. TALUK SURVEYOR,
KANAYANNUR TALUK, ERNAKULAM.

4. VILLAGE OFFICER, KANAYANNUR VILLAGE
ERUVELI P.O., CHOTTANIKKARA (VIA),
ERNAKULAM.

***5. DISTRICT COLLECTOR,**
CIVIL STATION, KAKKANAD.

***ADDL. R5 IS IMPLEADED AS PER ORDER DATED**
14/12/2006 IN IA NO. 16726/2006.

BY GOVERNMENT PLEADER SMT. LAXMI RANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 27690/2006 U

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE REGISTERED WILL EXECUTED BY THE M.U. VARKEY IN FAVOUR OF HIS 3 SONS ON 1.6.08 (ME).

EXT.P2. COPY OF THE SALE DEED NO. 1041/1950 DT. 18/08/50 EXECUTED BY M.V. VARKEY.

EXT.P3. COPY OF THE REGISTERED PARTITION DEED NO. 1531/51 OF SRO, MULAMTHURUTHY DATED 24/11/51.

EXT.P3A. COPY OF THE DOCUMENT NO. 1570 DT. 4/12/11211-ME OF SRO, MULAMTHURUTHI.

EXT.P3B. COPY OF THE DOCUMENT NO. 786 DTD. 23/09/1112 M.E. OF SRO MULAMTHURUTHI.

EXT.P4. COPY OF THE ORDER IN IA NO. 698/06 IN TA NO. 1145/96 DT. 19/4/06 BY THE DRT, ERNAKULAM.

EXT.P5. COPY OF THE LAND TAX RECEIPT DTD. 26/09/2006 ISSUED BY R3 TO THE PETITIONER.

EXT.P6. COPY OF THE LETTER DT. 23/1/89 ISSUED BY SURVEY OFFICER TO THE PETITIONERS.

EXT.P7. COPY OF THE STATUTORY REPRESENTATION DT. 27/09/2006 SUBMITTED BY P1 BEFORE THE R1.

EXT.P8. COPY OF THE APPLICATION DT. 6/10/2006 SUBMITTED BY P1 BEFORE THE R2.

[True Copy]

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THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.27690 OF 2006

Dated this the 12th day of February, 2007

JUDGMENT

Without stating anything on merits, this writ petition is disposed of after hearing the parties, directing the first respondent to take up Ext.P7, consider and dispose of the same in accordance with law, after hearing the necessary parties, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. If measurements have to be carried out, that will also be ensured in accordance with law.

The writ petition is disposed of with the above direction.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.